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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/825,772

04/04/2001

George J. Chanos

CHANOS.001A

3658

20995 7590 02/13/2008

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EXAMINER

JANVIER, JEAN D

ART UNIT

PAPER NUMBER

3622

NOTIFICATION DATE

DELIVERY MODE

02/13/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/825,772

Applicant(s)

CHANOS, GEORGE J.

Examiner

JEAN JANVIER

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-45 and 55-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 30-45 and 55-60 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Nov. 24, 2007 has been entered and a Non-Final Action follows.

Response to Applicant's Arguments

Applicant's arguments with respect to claims 30 and 55 have been considered but are moot in view of the new ground(s) of rejection. In other words, the Applicant's remarks are fully addressed in the Office Action below.

Further, contrary to the Applicant's contention, Carpenter discloses a method and a system wherein a subscriber navigates a computer information service adapted to offer at least product information retrieval, electronic mail and services, comprising the steps of:

providing a computer application program for prompting said subscriber and determining said subscriber's responses;

prompting said subscriber to select one of a plurality of topics (products);

determining said subscriber's response to said topic prompt;

prompting said subscriber to select one of a plurality of subtopics (subject areas) related to one or more selected topics;

determining said subscriber's response to said subtopic prompt (determining if the subscriber has subscribed to at least one subject area or subtopic);

prompting said subscriber to select one of a plurality of actions (subscription conditions);

determining said subscriber's response to said action prompt (**determining if the subscription conditions are being met**); and

providing said subscriber or user with access to a customized content area (formatting a deliverable for the consumer based on the consumer's selections related to a subscription request or a request for a consumer product information associated with a specific topic or product) based upon the combination of said subscriber's responses to said topic prompt (receiving a product selection from the user or subscriber), said subtopic prompt (receiving a selection of a subtopic/subcategory or subject matter/subject area, related to the topic or product, from the user) and said action prompt to said computer application program (receiving subscription conditions or delivery parameters from the user) (delivering the product information to the consumer or subscriber, via a customized interface, when the delivery parameters or subscription conditions are met/satisfied or subsequent to at least the user's or subscriber's action).

See in general col.5: 10 to col. 7: 15; col. 7: 33 to col. 8: 28; col. 8: 38 to col. 9: 33; figs. 1-7; See claims 1-33 of the present reference.

Additionally, Yost teaches a system for automatically generating output from an on-line analytical processing system based on scheduled services specified by subscribers. The system processes scheduled services in an on-line analytical processing system with each service

Art Unit: 3622

comprising at least **one query** to be performed by the on-line analytical processing system. **The system then automatically forwards output from the services to one or more subscriber output devices specified for that service.** Users or subscribers may define new services (service categories), including the schedule (time of delivery) of the services and the type, such as alert services or scheduled **services (service subcategories, service areas or subject areas)** and may also subscribe to the services provided by the system **(receiving a subscription to a service area/subject area, related to a service/product selected by a user, customizing the service area based on the user's specifications or criteria or delivery parameters or subscription conditions and subsequently formatting and delivering the customized content of the service area (i.e. service alert or schedule service), related to the selected service/product, to the user, based on the type of receiving device used by the user).**

(See abstract; figs 1-4; col. 3: 56 to col. 5: 33; col. 8: 13-59).

All in all, Yost discloses a broadcast module enables the creation of a service, the scheduling of the service, subscription of users to the defined services **(products), having service types or subcategories or subject areas or service areas**, generation of reports for the service, formatting of outputs of the service and broadcasting of messages based on the output for the service, among other functions. Yost further discloses **a subscription interface module provided to a user to enable him/her to select at least one service (product) from a plurality (list) of services (products), having service types or subcategories or subject areas or service areas, he wants to subscribe to, the schedule (delivery parameters or subscription conditions) on which he wants to receive the formatted contents of the subscribed service areas (subject areas) related to the selected service, and the personalization criteria**

Art Unit: 3622

(delivery parameters or subscription conditions) to use for personalizing (formatting) his selected subject area or service area/service type from a plurality of service areas or subject areas corresponding to a selected service. A personalization module may be provided that enables a subscriber to personalize the content of an individual service area or service type of a selected service to which the subscriber is subscribing to or to all services (service types or service areas related to one or more services or products) to which the subscriber subscribes. The broadcast module or delivery system may be connected to a plurality of user devices including a personal digital assistant (PDA), facsimile, printer, pager, mobile phone, telephone, electronic mail, and web page output and the content of a selected subject area or service area or service type (e.g. service alert or schedule service) related to the requested (selected) service (product) is formatted to be delivered to one of the user's devices as cited above (col. 9: 35-51; col. 10: 48-67; col. 11: 45 to col. 12: 15; figs. 1-3). **(receiving a subscription to a service area/subject area, related to a service/product selected by a user, customizing the service area based on the user's specifications or criteria or delivery parameters or subscription conditions and subsequently formatting and delivering the customized content of the service area (i.e. service alert or schedule service), related to the selected service/product, to the user, based on the type of receiving device used by the user).**

Finally, upon receipt of the present Action, the Applicant can contact, if need be, the Examiner for an interview.

Detailed Action

Specification

Status of the claims

Art Unit: 3622

Claims 30-45 and 55-60 are currently pending in the Application while claims 1-29 and 46-54 are being canceled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 30-35, 36-45 and 55-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Yost, USP 6,154,766A.

As per claims **30-35, 36-45 and 55-60**, Yost discloses a system for automatic generation of personalized output (selection) from an on-line analytical processing system. The system processes at least one scheduled (delivery) service in an on-line analytical processing system and generates personalized output based on personalization information for subscribers of the service (product) to one or more subscriber output devices. The system enables a user to specify global

Art Unit: 3622

and service-specific personalization information (user's selection information) including specification of multidimensional filters to be applied to services and the specification of trigger criteria to be satisfied before output (final selection) is generated. Personalization information may also be set for each output device for a particular subscriber (receiving a user's selection information, generating an output thereof based on the user's or subscriber's received selection information and delivering the generated output or the final product according to a scheduled delivery-See abstract; figs. 1-3).

In general, Yost discloses a system and method for automatic broadcasting of personalized reports processed by an on-line analytical processing system reports to subscriber devices, including electronic mail, pagers, personal digital assistants (PDA), facsimiles, printers, telephones, and mobile phones, based on subscriber-specified or administrator-specified criteria (col. 1: 23-29).

The system is configured to broadcast personalized messages to subscribers based on criteria (**subscription conditions or delivery parameters**) established by the subscribers or a system administrator when those criteria are met or determined to be satisfied by an on-line analytical processing system and enable a user or subscriber to personalize the content of information (**service or product**) broadcast from a data warehouse through **a subscription interface system that contains references to the contents of the data warehouse**.

The system comprises a broadcast module that connects to an on-line analytical processing (OLAP) system comprising a server system for accessing information in one or more data warehouses to perform report analysis. The broadcast module may enable the defining of a

Art Unit: 3622

service (a "service" as used here should be understood to include one or more reports that are scheduled to be run against one or more data warehouses, relational databases, files in a directory, information from a web or file transfer protocol site, or information provided by a custom module, by a server system). **These services may be subscribed to by users (subscribers) or user devices to enable the broadcast module to determine who should receive the results of a service (product).**

The broadcast module enables the creation of a service, the scheduling of the service, subscription of users to the defined services, generation of reports for the service, formatting of outputs of the service and broadcasting of messages based on the output for the service, among other functions. A subscription interface module may be provided to enable users to select the services (products), from a list, a menu or a plurality of services, they want to subscribe to (receiving at least a user's or consumer's selection of a service or product), the schedule (delivering parameters or conditions) on which they want to receive the contents of the service, and the personalization criteria to use for personalizing their content (delivering parameters or conditions). A personalization module may be provided that enables subscribers to personalize the content of an individual service (content selection information) to which the subscribers are subscribing or to all services (or service categories) to which the subscribers subscribe. The broadcast module may be connected to a plurality of user devices including a personal digital assistant (PDA), facsimile, printer, pager, mobile phone, telephone, electronic mail, and web page output.

Further, according to one embodiment, Yost teaches a system for automatically generating output from an on-line analytical processing system based on scheduled services

Art Unit: 3622

specified by subscribers. The system processes scheduled services in an on-line analytical processing system with each service comprising at least **one query** to be performed by the on-line analytical processing system. **The system then automatically forwards output from the services to one or more subscriber output devices specified for that service.** Users or subscribers may define new services (service categories), including the schedule (time of delivery) of the services and the type, such as alert services or scheduled **services (service subcategories, service areas or subject areas)** and may also subscribe to the services provided by the system **(receiving a subscription to a service area/subject area, related to a service/product selected by a user, customizing the service area based on the user's specifications or criteria or delivery parameters or subscription conditions and subsequently formatting and delivering the customized content of the service area (i.e. service alert or schedule service), related to the selected service/product, to the user, based on the type of receiving device used by the user).**

(See abstract; figs 1-4; col. 3: 56 to col. 5: 33; col. 8: 13-59).

All in all, Yost discloses a broadcast module enables the creation of a service, the scheduling of the service, subscription of users to the defined services **(products), having service types or subcategories or subject areas or service areas**, generation of reports for the service, formatting of outputs of the service and broadcasting of messages based on the output for the service, among other functions. Yost further discloses **a subscription interface module provided to a user to enable him/her to select at least one service (product) from a plurality (list) of services (products), having service types or subcategories or subject areas or service areas, he wants to subscribe to, the schedule (delivery parameters or subscription**

Art Unit: 3622

conditions) on which he wants to receive the formatted contents of the subscribed service areas (subject areas) related to the selected service, and the personalization criteria (delivery parameters or subscription conditions) to use for personalizing (formatting) his selected subject area or service area/service type from a plurality of service areas or subject areas corresponding to a selected service. A personalization module may be provided that enables a subscriber to personalize the content of an individual service area or service type of a selected service to which the subscriber is subscribing to or to all services (service types or service areas related to one or more services or products) to which the subscriber subscribes. The broadcast module or delivery system may be connected to a plurality of user devices including a personal digital assistant (PDA), facsimile, printer, pager, mobile phone, telephone, electronic mail, and web page output and the content of a selected subject area or service area or service type (e.g. service alert or schedule service) related to the requested (selected) service (product) is formatted to be delivered to one of the user's devices as cited above (col. 9: 35-51; col. 10: 48-67; col. 11: 45 to col. 12: 15; figs. 1-3). **(receiving a subscription to a service area/subject area, related to a service/product selected by a user, customizing the service area based on the user's specifications or criteria or delivery parameters or subscription conditions and subsequently formatting and delivering the customized content of the service area (i.e. service alert or schedule service), related to the selected service/product, to the user, based on the type of receiving device used by the user).**

Claims 30-45 and 55-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Carpenter, US Patent 6,065,047A.

As per claims 30-45 and 55-60, Carpenter discloses a system for navigating an online (consumer) information system. Subscribers provide topic (product) and action preferences to traverse to a customized content area in which related tasks are completed. Customized content areas are reached after subscribers make three or fewer selections. Paths to customized content areas are similar for all combinations of topics, subtopics (subject areas) and related actions so that subscribers can learn quickly how to navigate to any area of the information service (see abstract).

Here, a navigational method of the present system is based on a model of computer/user interaction in which users **are graphically prompted for a topic** (prompting the consumer to select a topic product/document) of interest, **a subtopic** (subject matter or subcategory of the main topic or product/document) of interest and an associated action **including a selection** (receiving a product selection from a user and, in response to the user's selection, arranging or organizing retrieved information into specific subtopic or subject areas, receiving a subscription or a selection of a subtopic or subject area from the user and formatting and delivering to the user the user's requested information via a customized graphical user-interface or customized content based at least on the subtopic or subject area selected by the user or consumer). Subscribers may make their selections in one of several orders. Once the three selections have been made, the information system assists subscribers by presenting customized content areas in which their specific goals may be accomplished (formatting and presenting/delivering the user's selection of a specific subtopic or subject area into a customized content area or customized interface).

See col. 3: 35-47, col. 4: 10-31; figs 1, 4, 6 and 10.

Art Unit: 3622

In general, Carpenter discloses a method and a system wherein a subscriber navigates a computer information service adapted to offer at least product information retrieval, electronic mail and services, comprising the steps of:

providing a computer application program for prompting said subscriber and determining said subscriber's responses;

prompting said subscriber to select one of a plurality of topics (products);

determining said subscriber's response to said topic prompt;

prompting said subscriber to select one of a plurality of subtopics (subject areas) related to one or more selected topics;

determining said subscriber's response to said subtopic prompt (determining if the subscriber has subscribed to at least one subject area or subtopic);

prompting said subscriber to select one of a plurality of actions (subscription conditions);

determining said subscriber's response to said action prompt (**determining if the subscription conditions are being met**); and

providing said subscriber or user with access to a customized content area (formatting a deliverable for the consumer based on the consumer's selections related to a subscription request or a request for a consumer product information associated with a specific topic or product) based upon the combination of said subscriber's responses to said topic prompt (receiving a product selection from the user or subscriber), said subtopic

Art Unit: 3622

prompt (**receiving a selection of a subtopic/subcategory or subject matter/subject area, related to the topic or product, from the user**) and said action prompt to said computer application program (**receiving subscription conditions or delivery parameters from the user**) (**delivering the product information to the consumer or subscriber, via a customized interface, when the delivery parameters or subscription conditions are met/satisfied or subsequent to at least the user's or subscriber's action**).

See in general col.5: 10 to col. 7: 15; col. 7: 33 to col. 8: 28; col. 8: 38 to col. 9: 33; See claims 1-33 of the present reference.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USP 5,796,395A to De Hond teaches a system for and a method of publishing and searching interests of individuals, the method including providing a memory bearing or storing software for performing the following: providing to a user a request for data by providing a plurality of selectable and different graphics icons respectively having the appearance of a house (**providing a list of product choices to a user or subscriber**), **receiving a selection of one of the listed product or product choices from the user**, adding the selection to a database and associating the selection with the user who made the selection, communicating to the user who selected a house icon a list of possible interests of the user, **receiving a selection of interests from the user (receiving a selection of a subject area, related to the selected product choice, from the user)**, adding the selected interests (**subject areas**) to the database and associating the

Art Unit: 3622

selected interests with the house icon **or product** selected by the user who selected the interests, communicating to a user a form for use in requesting a search of the database, and generating graphics having the general appearance of a plurality of houses after the search is performed, in which the houses are respectively selectable by the user, and communicating to the user who uses the search request form the interests of the user associated with a house if that house is selected (See abstract).

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

Official Draft : 571-273-8300

02/03/08

/J. D. J./

/Jean D. Janvier/

Primary Examiner, Art Unit 3622